

# **EXHIBIT 6**

**Remote Videotaped Deposition of: Bill Elbert 30(b)(6)**

**Nakia V. Porter vs. County of Solano**

**April 8, 2024**

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**KAMRYN I WHITNEY**  
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**"We work twice as hard for you"**

Bill Elbert 30(b)(6) - April 8, 2024

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NAKIA V. PORTER, an individual on	)
her own behalf and on behalf of	)
her minor children, L.P. and	)
A.P., et al.,	)
	) No.
Plaintiffs,	) 2:21-cv-01473-
	) KJM-JDP
vs.	)
	)
COUNTY OF SOLANO, et al.,	)
	)
Defendants.	)

REMOTE VIDEOTAPED 30(b)(6) DEPOSITION OF COUNTY OF SOLANO

(BILL ELBERT)

(Via Zoom Videoconference)

Fairfield, California

April 8, 2024

9:00 a.m. (PST)

REPORTED BY: Robin L. B. Osterode, CSR, RPR  
CA Certified Shorthand Reporter No. 7750  
AZ Certified Reporter No. 50695  
Job No. 122007

1 REMOTE VIDEOTAPED 30(b)(6) DEPOSITION OF SOLANO  
2 COUNTY (BILL ELBERT) commenced at 9:00 a.m. (PST) on  
3 April 8, 2024, at Fairfield, California, before Robin  
4 L. B. Osterode, CSR, RPR, California Shorthand  
5 Reporter No. 7750 and Arizona Certified Reporter  
6 No. 50695.

7  
8 APPEARANCES:

9  
10 For Plaintiffs:

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23 For Defendants County of Solano, Sheriff Thomas  
24 Ferrara, Deputy Dalton McCampbell, Sergeant Lisa  
25 McDowell, Deputy Connor Hamilton and Deputy Chris  
Carter:

26 HAWKINS PARNELL & YOUNG  
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1 APPEARANCES (Continued):

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10 The Videographer:

11 Marcela Sandoval  
12  
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I N D E X

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Mr. Ibrahim.....	7

CONFIDENTIAL PAGES OF THE TRANSCRIPT  
(Page 91 - Page 92  
and Exhibit 32)

EXHIBITS

EXHIBITS	DESCRIPTION	PAGE
Exhibit 185	Second Amended Notice of Deposition of County of Solano Pursuant to Rule 30(b)(6) and Request for Production of Documents and Electronically Stored Information; 6 pages	18
Exhibit 186	County of Solano's Supplemental Responses to Plaintiff Nakia V. Porter's Requests for Production of Documents, Set Four; 171 pages	104
Exhibit 188	Bates stamped documents SC2000 - SC2008	60
Exhibit 189	Document on Solano County Sheriff's Office letterhead, dated August 24, 2021; 1 page	87
Exhibit 190	Document on Solano County Sheriff's Office letterhead, dated August 23, 2021; 1 page	88

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## 2 PREVIOUSLY MARKED EXHIBITS

3	EXHIBITS	DESCRIPTION	PAGE
4	Exhibit 32	(Previously identified and attached hereto.)	90
5		(Confidential)	
6	Exhibit 90	(Previously identified and attached hereto.)	99
7			
8	Exhibit 91	(Previously identified and attached hereto.)	94

## 12 INSTRUCTION NOT TO ANSWER

13 Page Line

14 62 24

Fairfield, California  
April 8, 2024  
9:00 a.m. (PST)

THE VIDEOGRAPHER: We are now on the record. Today's date is April 8th, 2024 and the time is 9:11 a.m. Pacific time. This is the video deposition of Captain Bill Elbert, in the matter of Nakia V. Porter, et al., versus County of Solano, et al., filed in the United States District Court, Eastern District of California. Case number 2:21-cv-01473-KJM-JDP. This deposition is taking place via web videoconference, with all participants attending remotely. My name is Marcela Sandoval. I'm the videographer representing KW Court Reporting.

Would the attendees of the conference please identify yourself and state whom you represent, beginning with the questioning attorney.

MR. IBRAHIM: Good morning. My name is Ahmed Ibrahim. I'm here on behalf of plaintiffs.

MR. ALMADANI: Good morning. Yasin Almadani, on behalf of plaintiffs.

MS. LEWIS: Danielle Lewis for the witness and for Defendants County of Solano, Sheriff Thomas Ferrara, Deputy Dalton McCampbell, Sergeant Lisa McDowell, Deputy Connor Hamilton, and Deputy Chris



1 Carter.

2 MR. FOX: Greg Fox for the Defendant Roy  
3 Stockton.

4 MS. LEWIS: I -- sorry, go ahead.

5 THE VIDEOGRAPHER: Our court reporter today  
6 is Robin Osterode, representing KW Court Reporting.  
7 The court reporter will now swear in the witness.

8 MS. LEWIS: Just -- just before we do that,  
9 for the record, this is the deposition of County of  
10 Solano pursuant to Rule 30(b)(6), as opposed to the  
11 deposition of the individual Captain Bill Elbert that  
12 was stated earlier.

13  
14 BILL ELBERT,  
15 having been first duly sworn, was examined and  
16 testified as follows:

17  
18 E X A M I N A T I O N

19 BY MR. IBRAHIM:

20 Q. Good morning, sir. Can you please state  
21 and spell your full name for the record.

22 A. Bill Elbert, B-i-l-l, E-l-b-e-r-t.

23 Q. Do you have a middle name?

24 A. No, sir.

25 Q. And do you go by "William" or is it always

1 McDowell in this situation.

2 Q. What do you mean by "based on my purview at  
3 the time"?

4 A. So because it's personnel-related, I would  
5 have no information on that. We're very -- we adhere  
6 to a code where at the sheriff's office when it comes  
7 to discipline it is very confidential, and unless  
8 you're part of the process you wouldn't know about  
9 it.

10 Q. Okay. To the best of your knowledge and  
11 I'm asking, remember, as a Rule 30(b)(6)  
12 representative on behalf of the Solano County  
13 Sheriff's Office at this time.

14 A. Yes, sir.

15 Q. You're not aware of, to the best of your  
16 knowledge, Sgt. McDowell, at the time Deputy  
17 McDowell, at any point in time being disciplined by  
18 the Solano County Sheriff's Office, correct?

19 A. That is correct, sir.

20 MS. LEWIS: For this incident?

21 BY MR. IBRAHIM:

22 Q. For this incident, yes.

23 A. That is correct, sir.

24 Q. And you are aware that she was promoted to  
25 Sgt. McDowell, correct?

1 A. Yes, sir.

2 Q. Okay. Now, at any point in time related to  
3 this incident, to the best of your knowledge, as you  
4 sit here as a Rule 30(b)(6) witness for -- for the  
5 Solano County Sheriff's Office, did the office take  
6 any measures to discipline Deputy McCampbell relating  
7 to this incident?

8 A. The answer would be the same, sir, to the  
9 best of my knowledge, there was none.

10 Q. And am I correct that he subsequent  
11 to -- subsequent to the incident, he became a field  
12 training officer, right?

13 A. I believe that is accurate. I don't have  
14 the dates on that, sir.

15 Q. And I have the same question as to  
16 Sgt. Stockton. To the best of your knowledge,  
17 relating to this incident, the Solano County  
18 Sheriff's Office never disciplined Sgt. Stockton at  
19 any point in time, correct, relating to this  
20 incident?

21 A. Yes, sir, to the best of my knowledge, that  
22 is correct.

23 Q. And as to all three, when I say  
24 "discipline," there were no reprimands, demotions,  
25 suspensions, penalties, warnings, or any other action

1 taken against any of these three officers; am I  
2 right?

3 MS. LEWIS: Objection; compound, vague and  
4 ambiguous, overbroad.

5 THE WITNESS: To the best of my knowledge,  
6 none of the three you mentioned had any kind of  
7 discipline regarding this situation -- this case or  
8 event.

9 BY MR. IBRAHIM:

10 Q. And to the best of your knowledge, you're  
11 not aware of any findings by anybody within the  
12 Solano County Sheriff's Office finding that any of  
13 these officers acted outside of County policies or  
14 procedures; am I correct about that?

15 MS. LEWIS: Same objection; vague and  
16 ambiguous, overbroad, compound.

17 THE WITNESS: I'm sorry, sir, I'm going to  
18 have to ask you to repeat that.

19 BY MR. IBRAHIM:

20 Q. Sure. My question, let's start with  
21 McDowell, to the best of your knowledge, as you sit  
22 here today, related to this incident, you're not  
23 aware of -- of McDowell having been found by the  
24 office to have engaged in any wrongdoing or any  
25 violation of any policy or procedure, correct?

1 A. No, you're good. Go ahead and scroll up.

2 Stop.

3 Oh, can you scroll down.

4 Scroll down one more, please.

5 Can you go up one page?

6 Q. Right here?

7 A. Yes, sir.

8 I don't see it here.

9 Q. Okay. Well, setting the policy manual to  
10 the side for the moment, do you have an independent  
11 recollection outside of the policy manual of what the  
12 policy was as it relates to body cam and dash cams?

13 A. So with body-worn cameras, the policy -- we  
14 had several layers of the policy. We never had a  
15 "shall" operate your body-worn camera, it was the  
16 deputy should recognize when it was appropriate to  
17 turn on the body-worn camera for any kind of incident  
18 that would cause, you know, recording of an incident.

19 There was -- we had a retention policy as  
20 well that indicated you could not delete video  
21 without the approval of the supervisor or  
22 administrator, and it had to be written and it had to  
23 be viewed before it could be deleted. The retention  
24 policy was dictated by Evidence.com, predicated on  
25 type of incident.

1 Q. Anything else you recall as it relates to  
2 policies in place as of August 6, 2020, relating to  
3 body cam and dashcam footage?

4 A. There was a part of the policy that spoke  
5 about muting for admin purposes, and I do not recall  
6 if it said you have to speak out to your camera, "I'm  
7 muting this for admin purposes," but that was one of  
8 the procedures we would do. We would talk to the  
9 camera, so it was in posterity.

10 Q. So muting for admin purposes,  
11 you're -- you're saying that there was a policy in  
12 place as of August 6, 2020, where there was some  
13 guidance for officers to mute in certain situations  
14 for, "admin purposes"; is that right?

15 A. That is my belief, yes.

16 Q. Was this to mute the camera or -- just mute  
17 the camera, not turn it off, right?

18 A. No, sir. So there's audio and video, and  
19 there were times where you're speaking about  
20 confidential information or things not related to an  
21 incident, but you still wanted to record it for  
22 posterity, you would have to express that.

23 Q. What do you mean by "record for posterity"?

24 A. You didn't want to turn off your body-worn  
25 camera, you'd want to have a consistent recording of

1 the incident and time frame.

2 Q. Okay. But under this policy that you  
3 described, confidential information would refer to  
4 things that were not related to the investigation  
5 that was going on and being recorded at the time,  
6 correct?

7 A. That is correct.

8 Q. Okay. So if there's still discussion about  
9 the case at hand, then the guidance would not be to  
10 mute the camera, correct?

11 A. I -- so our general orders or our policy  
12 are general in language and it would have to be  
13 articulated by the person in question, as to the  
14 relevance of muting their camera, for whatever reason  
15 they thought was reasonable. So it was not spelled  
16 out specifically or in detail.

17 Q. Okay. All right. Let's take a look at  
18 topic number 7, going back to Exhibit 185. You were  
19 designated by the Solano County Sheriff's Office and  
20 the County of Solano to testify regarding, "The  
21 policies, procedures, practices, and protocols  
22 relating to the storage, maintenance, and deletion of  
23 law enforcement personnel's e-mails, text messages,  
24 other instant messages, videos, photos, social media  
25 postings, and other data from any devices issued to

## REPORTER'S CERTIFICATION

I, Robin L. B. Osterode, Certified Shorthand Reporter in and for the State of California and Certified Reporter in and for the State of Arizona, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

I further certify that pursuant to FRCP Rule 30(e)(1), before completion of the deposition, review of the transcript { x } was { } was not requested by the deponent or a party.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have subscribed my name on this 15th day of April, 2024.

  
ROBIN L. B. OSTERODE, CSR, RPR  
CA CSR No. 7750  
AZ CR No. 50695